

STATE OF MONTANA COMPLIANCE SUPPLEMENT FOR AUDITS OF LOCAL GOVERNMENT ENTITIES	REF: CNTY-2
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PROGRAM/SUBJECT: Counties - Budgets	

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

PRELIMINARY BUDGETS:

1. Compliance Requirements:

- A preliminary annual operating budget must be prepared for the local government. (MCA 7-6-4020(1))
- Before June 1 of each year, the county clerk and recorder shall notify the county commission and each board, office, or official that they are required to file preliminary budget proposals for their component of the total county budget. (MCA 7-6-4020(3)(a))

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

PRELIMINARY BUDGETS - continued:

1. Compliance Requirements – continued:

- Component budgets must be submitted to the clerk and recorder before June 10th or on a date designated by the county commission and must be submitted on forms provided by the county clerk and recorder. Specific component budget responsibilities include but are not limited to:
 - (a) The county surveyor or any special engineer shall compute road and bridge component budgets and submit them to the county commission.
 - (b) The county commission shall submit road and bridge component budgets.
 - (c) The county treasurer shall submit debt service component budgets.
 - (d) The county commission shall submit component budgets for construction or improvements to be made from new general obligation debt.
 (MCA 7-6-4020(3)(b) & (d))
- Upon receipt of the component budget, the county clerk and recorder shall prepare and submit the county's preliminary annual operating budget. (MCA 7-6-4020(3)(c))
- The preliminary annual operating budget for each fund must include, at a minimum:
 - (a) a listing of all revenue and other resources for the prior budget year, current budget year, and proposed budget year;
 - (b) a listing of all expenditures for the prior budget year, the current budget year, and the proposed budget year. All expenditures must be classified under one of the following categories:
 - (1) salaries and wages;
 - (2) operations and maintenance;
 - (3) capital outlay;
 - (4) debt service; or
 - (5) transfers out.
 - (c) a projection of changes in fund balances or cash balances available for governmental fund types and a projection of changes in cash balances and working capital for proprietary fund types. This projection must be supported by a summary for each fund or group of funds listing the estimated beginning balance plus estimated revenue, less proposed expenditures, cash reserves, and estimated ending balances.
 - (d) a detailed list of proposed capital expenditures and a list of proposed major capital projects for the budget year;
 - (e) financial data on current and future debt obligations;
 - (f) schedules or summary tables of personnel or position counts for the prior budget year, current budget year, and proposed budget year. The budgeted amounts for personnel services must be supported by a listing of positions, salaries, and benefits for all positions of the local government. The listing of positions, salaries, and benefits is not required to be a part of the budget document.

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

PRELIMINARY BUDGETS - continued:

1. Compliance Requirements - continued:

- (g) all other estimates that fall under the purview of the budget.
 - (h) The preliminary annual operating budget for each fund for which the local government will levy an ad valorem property tax must include the estimated amount to be raised by the tax.
- (MCA 7-6-4020(4) and (5))

Suggested Audit Procedures:

- Determine that a preliminary annual operating budget was prepared.
- Review the component and preliminary budget forms to determine if they contain the detailed information required above.

2. Compliance Requirements:

- The governing body shall cause a notice of a public hearing on the preliminary or amended budget to be published. The notice must:
 - (a) provide that the governing body has completed its preliminary annual budget for the ensuing fiscal year or intends to amend its annual budget;
 - (b) state that the budget or budget amendment has been placed on file and is open to inspection in the county office designated in the notice;
 - (c) designate the date, time, and place of the meeting at which the governing body will meet for approving a final budget or amended budget and making appropriations; and
 - (d) state that any taxpayer or resident may appear at the meeting and be heard for or against any part of the proposed budget or budget amendment. The publication requirements for a county must conform to the provisions of 7-1-2121.

(MCA 7-6-4021)
- The governing body shall hold a hearing in accordance with the notice given pursuant to 7-6-4021. Local government officials shall attend the budget hearing to answer questions on their proposed budgets if called upon by the governing body, taxpayer or resident. (MCA 7-6-4024)
- The hearing may be continued from day to day and must be concluded and the budget finally approved and adopted by resolution by the later of the second Monday in August or within 45 calendar days of receiving certified taxable values from the Department of Revenue. (MCA 7-6-4024)

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

PRELIMINARY BUDGETS - continued:

Suggested Audit Procedures:

- Read the minutes and review a copy of the public hearing notice to determine if a hearing was held and that the notice was properly published.
- Verify that the final budget was finally approved and adopted by resolution by the later of the second Monday in August or within 45 calendar days of receiving certified taxable values from the Department of Revenue.

FINAL BUDGET AND RESOLUTION:

3. Compliance Requirements:

- The governing body may amend the preliminary budget after the public hearing and after considering any public comment. The amended budget constitutes the final budget, and must be balanced so that appropriations do not exceed the projected beginning balance plus the estimated revenue of each fund for the fiscal year. (MCA 7-6-4030)

(Note: The listing of positions, salaries, and benefits required in the preliminary budget is not a required part of the final budget document. (MCA 7-6-4020(4) (f))

- The governing body shall adopt the final budget by resolution. The resolution must:
 - (a) authorize appropriations to defray the expenses or liabilities for the fiscal year; and
 - (b) establish legal spending limits at the level of detail in the resolution (i.e., fund, function, etc).

The effective date of the resolution is July 1 of the fiscal year, even if the resolution is adopted after that date.
(MCA 7-6-4030)

- The final budget resolution may authorize the governing body or a designated official to transfer appropriations between items within the same fund.
(MCA 7-6-4031)
- A local government may receive and expend money between July 1 of the fiscal year and the date the final budget resolution is adopted. (MCA 7-6-4025)

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

FINAL BUDGET AND RESOLUTION - continued:

Suggested Audit Procedures:

- Determine that the budget is in balance as defined above.
- Read the minutes and review the budget document and budget resolution to determine if the final budget and the final budget resolution include the elements that are described above.

BUDGET LIMITATIONS:

4. Compliance Requirements:

- Unless a local taxing authority adopts a resolution to budget additional revenue, no taxing authority may budget an increased amount of ad valorem (property) tax revenue in excess of the property tax revenue of the previous fiscal year, exclusive of revenue from ad valorem taxation on properties appearing for the first time on the property tax record, as described in 15-10-420(3). (MCA 15-10-202 and 203)
- Prior to adoption of the resolution, the taxing authority shall hold a public hearing for the purpose of receiving comments on its intention to budget increased property tax revenue. The taxing authority shall advertise its intent to budget an increase in property tax revenue in a newspaper meeting the requirements of MCA 7-1-4127 and 15-10-203. (MCA 15-10-203)

(See Compliance Requirement No. 6 below relating to MCA 15-10-425)

Suggested Audit Procedures:

- Determine, after excluding newly taxable property as defined in MCA 15-10-420(3), that the county's ad valorem (property) tax revenue did not exceed the property tax revenue of the previous fiscal year.
- If the previous fiscal year's ad valorem tax revenue amount has been exceeded, determine that the county prepared a resolution to budget additional revenue, provided public notice via a newspaper and held a public hearing as described above.

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

BUDGET LIMITATIONS - continued:

5. Compliance Requirements:

- A governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that may be imposed is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the value of newly taxable property plus one-half of the average rate of inflation for the prior 3 years. (MCA 15-10-420(1))
(Note: The Department of Revenue has calculated the rate as 1.28% for FY 2002, 1.27% for FY 2003, 1.22 for FY 2004, 0.97% for FY 2005, 1.251% for FY 2006, 1.424% for FY 2007, 1.535% for FY 2008 and 1.672% for FY 2009.)
- The following are the exemptions from the maximum number of mills allowed as described above
 1. school district levies established in Title 20; (MCA 15-10-420(5)(a))
 2. the portion of a governmental entity's property tax levy for premium contributions for group benefits excluded under 2-9-212 or 2-18-703 (i.e., premium for insurance, deductible reserve fund, self-insurance reserve fund and state compensation insurance fund); (**See Compliance Requirement No. 23**) (MCA 15-10-420(5)(b))
 3. net or gross proceeds taxes received under MCA 15-6-131 and 15-6-132; (MCA 15-10-420(6))
 4. a judgment levy under 2-9-316, 7-7-2202 or 7-6-4015; (**See Compliance Requirement No. 17**) (MCA 15-10-420(9))
 5. a levy to repay taxes paid under protest as provided in 15-1-402; (**See Compliance Requirement No. 21**) (MCA 15-10-420(9))
 6. an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326; . (**See Compliance Requirement No. 14**) (MCA 15-10-420(9))
 7. **Effective October 1, 2007** – a levy for the support of a study commission under MCA 7-3-184
 7. voted levies (**See Compliance Requirement No. 6**) (MCA 15-10-425)
 8. A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time. (MCA 15-10-420(10))
(Note: This exception only applies when the county or municipality has not levied or appropriated any assistance to the airport in the prior 2 years; providing that when the airport levy is discontinued, that amount is subtracted from the levying governmental entity's levy authorization amount.)

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

BUDGET LIMITATIONS - continued:

5. Compliance Requirements - continued:

(Note: The judgment levies authorized under MCA 15-10-420(9)(a), may not be included in the amount of property taxes actually assessed in a subsequent year. (MCA 15-10-420(9)(b))

- A governmental entity that does not impose the maximum number of mills, as described above, may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year. (MCA 15-10-420(1)(b))
- The governmental entity may apply the levy calculated above, plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property. (MCA 15-10-420(2))
- In determining the maximum number of mills to be levied, the governmental entity may increase the number of mills to account for a decrease in reimbursements (i.e., floating mill). (MCA 15-10-420(7))

Suggested Audit Procedures:

- Compare the total amount of property taxes assessed for county funds for the year of audit to the total amount of property taxes assessed for county funds for the previous year. Determine that total taxes assessed for the year of audit do not exceed total taxes assessed for the previous year, plus one-half of the average rate of inflation for the prior 3 years.
- If the amount as calculated above has been exceeded, determine that the excess was attributed to additional levies authorized by the voters, to mills exempted by statute as described above, for mills used to account for a decrease in statutory reimbursements, and/or mill authority carried forward.

(Note: On pages 34 through 38 at the end of this Compliance Supplement are worksheets that may be used when determining whether the county has complied with MCA 15-10-420. The county may have similar worksheets on file that were used to calculate the maximum number of mills to be levied. Also, the current worksheet can be found on the Local Government Services Bureau's website.
<http://doaforms.mt.gov/doaforms.asp?Path=/doaforms/LocalGovernmentForms/AccountingSystemsProgram/02%20Budget%20Reports&base=/doaforms>

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

BUDGET LIMITATIONS - continued:

Suggested Audit Procedures - continued:

(**Note:** Documentation that the county should have on file to support calculations on this worksheet are (1) certified reports from the Department of Revenue, and (2) information from the county's general ledger.)

MILL LEVY EXCEEDED – ELECTION REQUIRED:

6. Compliance Requirements:

- A local government entity may impose a new mill levy, increase a mill levy that is required to be submitted to the electors, or exceed the mill levy limit provided for in MCA 15-10-420 by conducting an election as provided in MCA 15-10-425.
(MCA 15-10-425)
- The governing body may increase a mill levy on the approval of a majority of the qualified electors voting in the election. The resolution, charter amendment, or petition, to increase the mill levy must include:

Prior to October 1, 2007 –

- (a) the specific purpose for which the additional money will be used;
- (b) the specific amount to be raised;
- (c) the approximate number of mills required; and
- (d) the durational limit, if any, on the levy.
(MCA 15-10-425)

Effective October 1, 2007 –

- (a) the specific purpose for which the additional money will be used;
- (b) either:
 - (i) the specific amount of money to be raised and the approximate number of mills to be imposed; or
 - (ii) the specific number of mills to be imposed and the approximate amount of money to be raised; and
- (c) whether the levy is permanent or the durational limit on the levy.

Suggested Audit Procedure:

- If a mill levy (new or increased) was put to a vote, verify that the resolution, charter amendment or petition included the required information, as discussed above.

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

DETERMINATION OF FUND REQUIREMENTS – PROPERTY TAX LEVY:

7. Compliance Requirement:

- After determining the final budget, the governing body shall determine the property tax levy needed for each fund by:
 - (a) adding the total amount of the appropriations and authorized expenditures for the budget year;
 - (b) adding an additional amount, subject to the limitation noted in the next compliance requirement below (Cash Reserves), as a reserve to meet expenditures made from the fund during the months of July to November of the next fiscal year;
 - (c) subtracting the working capital; and
 - (d) subtracting the total estimated revenue, other than the property tax levy, for the budget year.
 (MCA 7-6-4034)

Suggested Audit Procedure:

- Review the county's calculation of the property tax levy needed for each fund using the calculation requirements noted above.

8. Compliance Requirement:

- After deducting from the amount of the appropriations and authorized expenditures the total amount appropriated and authorized to be spent for election expenses and payment of emergency warrants, the amount that may be added as a reserve to any fund to meet expenditures made from the fund during the months of July to November of the next fiscal year may not exceed one-third ($\frac{1}{3}$) of the total amount appropriated and authorized to be spent from the fund during the current fiscal year. (MCA 7-6-4034)

Suggested Audit Procedure:

- Test the cash reserve calculation to determine that the reserve for any fund does not exceed $\frac{1}{3}$ of the total amount appropriated and authorized to be spent from the fund, after deducting appropriations for election expenses and payment of emergency warrants.

9. Compliance Requirement:

- The governing body shall fix the tax levy for each taxing jurisdiction within the county by the later of the second Monday in August or within 45 calendar days after receiving certified taxable values, and after the approval and adoption of the final budget. (MCA 7-6-4036)

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

DETERMINATION OF FUND REQUIREMENTS – PROPERTY TAX LEVY – cont’d:

9. Compliance Requirement - continued:

(Note: The Department of Revenue is required to submit the certification of taxable values by the first Monday in August. There is a provision, however, that states that upon the request of a taxing authority, the Department of Revenue shall provide an *estimate* of the total taxable value within the jurisdiction of the taxing authority by the second Monday in July. (MCA 15-10-202))

Suggested Audit Procedure:

- Review the minutes and other county records, including the budget document and resolution, to ensure that the tax levies were fixed by the later of the second Monday in August or within 45 calendar days after receiving certified taxable values from the Department of Revenue, and after the approval and adoption of the final budget.

ALL-PURPOSE MILL LEVY:

10. Compliance Requirements:

- Subject to 15-10-420, the all-purpose levy is an annual levy upon the taxable value of all property in the county subject to taxation for county public or governmental purposes. (MCA 7-6-2522)

(Note: “Public and governmental purposes” include but are not limited to those purposes listed in MCA 7-6-2527.)

- A county adopting the all-purpose levy is bound by that adoption during the ensuing fiscal year but may abandon the method in succeeding fiscal years. (MCA 7-6-2524)

Suggested Audit Procedures:

- If the county has adopted the all-purpose mill levy, obtain and review a copy of the governing body’s resolution approving and adopting the all-purpose mill levy in the annual budget document.

SUBMITTING THE BUDGET TO STATE & FORMAT:

11. Compliance Requirements:

- A local government shall submit a complete copy of the final budget together with a statement of tax levies to the Department of Administration by the later of October 1 or 60 days after receipt of taxable values from the Department of Revenue. The county clerk and recorder shall make this submission. (MCA 7-6-4003)

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

SUBMITTING THE BUDGET TO STATE & FORMAT - continued:

11. Compliance Requirements - continued:

- The local government shall use standard forms prescribed by the Department of Administration or may use an alternative budget format acceptable to the Department of Administration. (MCA 7-6-4003)
- Local government budgets must conform to the fund structure prescribed by the Department of Administration (i.e., The county's accounting structure must follow the chart of accounts for the Budgetary, Accounting, and Reporting System (BARS) for Montana Cities, Towns and Counties.). (MCA 7-6-4004)

Suggested Audit Procedures:

- Determine that a copy of the final budget, together with the tax levies, was submitted to the Department of Administration by the later of October 1, or 60 days after receipt of the taxable values.
- Determine if the budget document was on the format as prescribed by the Department of Administration. If not, then determine that the county received approval from the Department to use an alternative format.
- During your review of the budget document determine that the fund structure followed the format as described in the BARS chart of accounts.

(Note: If the local government has not complied with these statutes, we recommend that an audit finding be included in your audit report.)

EXPENDITURES LIMITED TO APPROPRIATIONS:

12. Compliance Requirements:

- Local government officials may not make a disbursement or an expenditure or incur an obligation in excess of the total appropriations for a fund. Money may not be disbursed, expended, or obligated except pursuant to an appropriation for which working capital is or will be available. (MCA 7-6-4005 and 4006)

(Note: MCA 15-36-326 explicitly indicates that the *oil and natural gas accelerated tax fund* must be financially administered as a nonbudgeted fund under the provisions of Title 7, Chapter 6, Part 23, MCA. That section of law, however, was repealed by the 2001 Legislature and replaced by a new Local Government Budget Act in Title 7, chapter 6, part 40, MCA. There is no provision for a nonbudgeted fund in the new Budget Act. (See following Note.))

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

EXPENDITURES LIMITED TO APPROPRIATIONS - continued:

12. Compliance Requirements - continued:

(**Note:** MCA 15-24-3007 explicitly indicates that the *electrical generation impact fund* must be financially administered as a nonbudgeted fund under the provisions of Title 7, chapter 6, part 40, MCA. That part of the Montana Code Annotated, however, is the Local Government Budget Act, which, as noted above, specifically states that “Money may not be disbursed, expended, or obligated except pursuant to an appropriation...” There is no specific provision in the Act for “nonbudgeted funds”. Therefore, it would appear that expenditures from the fund must be formally appropriated although under the Act appropriations can be adjusted according to procedures adopted by the governing body.)

- A local government official who violates the preceding requirement is liable for the amount of the excess disbursement, expenditure, or obligation personally. The subsequent claims approval process may not be considered as the making of a disbursement or an expenditure or as incurring an obligation and does not otherwise limit or mitigate the local government official's personal liability. (MCA 7-6-4005)
- The governing body may amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings. Budget amendments providing for additional appropriations must identify the fund reserves, unanticipated revenue, or previously unbudgeted revenue that will fund the appropriations. (MCA 7-6-4006)
- Appropriations may be adjusted according to procedures authorized by the governing body in the final budget resolution for:
 - (a) debt service funds for obligations related to debt approved by the governing body;
 - (b) trust funds for obligations authorized by trust covenants;
 - (c) any fund for federal, state, local, or private grants and shared revenue accepted and approved by the governing body;
 - (d) any fund for special assessments approved by the governing body;
 - (e) the proceeds from the sale of land;
 - (f) any fund for gifts or donations; and
 - (g) money borrowed during the fiscal year.
 (MCA 7-6-4006)

(**Note:** Hard Rock Mining Impact budget authority – If a payment is requested or received after the adoption of the local government’s budget for the fiscal year in which the payment is to be expended, the governing body of the local government may by a majority vote amend its budget to provide for the receipt and expenditure of the payment. (MCA 90-6-323))

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

EXPENDITURES LIMITED TO APPROPRIATIONS - continued:

12. Compliance Requirements - continued:

- The authorization of bonds by the electors or the governing body constitutes the appropriation of the bond proceeds for the purpose for which the bonds are authorized. (MCA 7-6-4011)
- Except as provided by 7-6-4006 (adjustment of appropriations, as discussed above), 7-6-4011 (authorization of bonds, as discussed above), 7-6-4012 (fee-based budgets, as discussed below) , 7-6-4015 (payments for judgments, as discussed below), and 7-6-4032 (emergency expenditures, as discussed below), the governing body, each county official, and the district courts are limited to the amount of appropriations and by the classifications in the annual appropriation resolution when making disbursements or expenditures or incurring liabilities. (MCA 7-6-4033)

Suggested Audit Procedures:

- Compare actual expenditures to approved budget appropriations and determine that expenditures did not exceed the approved appropriations, as originally adopted or as amended.
- If budget appropriations have been amended, review the minutes to determine that a public hearing was held. Also, review the resolution that was adopted and determine that it discloses the funding source for the amendment as noted above.
- As part of expenditure/cash disbursement testing, determine that no payments were made or obligations incurred without an appropriation, except for payments from an agency fund.
- If expenditures exceed the budget, discuss the matter with the county attorney and determine if any action has been taken or contemplated to recover the amount of the excess from the responsible official or officials.

FEE BASED BUDGETS – ADJUSTABLE APPROPRIATION:

13. Compliance Requirements:

- In its final budget resolution, the governing body may authorize adjustments to appropriations funded by fees throughout the budget period. Adjustable appropriations are: (MCA 7-6-4012)
 - (a) proprietary fund appropriations; or
 - (b) other appropriations specifically identified in the local government's final budget resolution as fee-based appropriations.

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

FEE BASED BUDGETS – ADJUSTABLE APPROPRIATION - continued:

13. Compliance Requirements - continued:

- Adjustments of fee-based appropriations must be: (MCA 7-6-4012)
 - (a) based upon the cost of providing the services supported by the fee; and
 - (b) fully funded by the related fees for services, fund reserves, or nonfee revenue such as interest.

Suggested Audit Procedures:

- During your review of the budget documents, determine if the governing body authorized adjustments to budget appropriations for those funds that operate on a fee basis.
- If so, verify that adjustments for fee based appropriations were based upon the cost of providing the services, and the adjustment was funded by the fee collected, fund reserves, or nonfee revenue as described in MCA 7-6-4012

EMERGENCY BUDGET APPROPRIATIONS:

14. Compliance Requirement:

- Emergency budget appropriations must be adopted by two-thirds of the members of a governing body who are present at the meeting. These expenditures are limited to and must be charged to the adopted emergency budget appropriations. (MCA 7-6-4032)

(Note: The governing body may submit the question of funding emergency warrants at an election as provided by law. MCA 7-6-4032(3))

Suggested Audit Procedure:

- Review the minutes and the accounting records to determine if emergency budgets were adopted by the county commissioners. Verify that emergency budget appropriations expenditures were limited to the costs associated with the emergency.

TAX LEVY FOR PAYMENT OF BONDS:

15. Compliance Requirements:

- The governing body, at the time of making a levy for taxes, must levy a separate and special tax on all taxable property in the county for payment of interest and principal on each series of general obligation bonds outstanding. The levy must be high enough to pay interest and principal that will become due during the current fiscal year or within 90 days after the fiscal year. (MCA 7-7-2265)

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

TAX LEVY FOR PAYMENT OF BONDS - continued:

15. Compliance Requirements - continued:

- If no principal becomes due and payable within that time, then the tax levy must be high enough to raise an amount sufficient to:
 - a. pay all interest that will become due during the current fiscal year or within 90 days after the fiscal year, and
 - b. place in the sinking fund, for the payment of principal when it does become due, an amount not less than a sum produced by dividing the total amount of the bonds originally issued by the number of years for which the bonds are issued.

(MCA 7-7-2265)

- If the bonds do not pay periodic interest, but are sold at a discount, then the amount of the levy must be actuarially sufficient so that at the time of redemption, there is an amount in the sinking fund to redeem the bonds. (MCA 7-7-2265)

(Note: Also, Rogge vs. Petroleum County requires that the county commissioners must take into consideration the amount of money already available in each fund for which a levy is made.)

- The authorization of bonds by the electors or the governing body constitutes the appropriation of bond proceeds for the purpose for which the bonds are authorized. (MCA 7-6-4011)

Suggested Audit Procedure:

- Determine if the amount levied to pay general obligation bonds is sufficient to meet the debt service requirements of the bond issue, as described above.

INSTALLMENT PURCHASE CONTRACTS:

16. Compliance Requirement:

- The budget must contain an appropriation for each installment payment that is due on installment purchase contracts. (MCA 7-5-2306)

Suggested Audit Procedure:

- Determine if the county was obligated for any installment purchase contracts, and review the budget to determine if there is an appropriation for each required installment purchase contract payment.

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

JUDGMENTS:

17. Compliance Requirement:

- Judgments against a local government that are not covered by insurance must be paid in the current fiscal year if there is sufficient money in the general fund to pay both the judgment and the general fund appropriations for the current fiscal year; or must be paid from additional tax levies made in each of the next 3 years if general fund money is insufficient to pay the judgment in the current fiscal year. (MCA 7-6-4015)

Suggested Audit Procedure:

- Determine if the county was obligated for any judgments, and review the cash balance of the general fund to determine if there was sufficient money in the general fund to pay both the judgment and the general fund appropriations. If not, verify that a tax levy was made in the subsequent period.

CAPITAL IMPROVEMENT PROGRAM:

18. Compliance Requirements:

- A county governing body may provide for a capital improvement program for the replacement, improvement, and acquisition of property, facilities, or equipment that costs in excess of \$5,000 and that has a life expectancy of 5 years or more. The capital improvement fund may receive money from any source, including funds that have been allocated in any year but have not been expended or encumbered by the end of the fiscal year. (MCA 7-6-616)
- Junk vehicle capital improvement fund: The Department of Environmental Quality has established a policy related to its junk vehicle program that basically adheres to the requirements of MCA 7-6-616, as described above. the Department has a policy that states, "Any unexpended amount at the end of the Fiscal Year may be place in the [capital improvement] Fund." (DEQ Newsletter – Volume 20 – August 2003)
- County road and bridge capital improvement fund – The governing body of a county may establish a road and bridge capital improvement fund in accordance with the provisions of Title 7, chapter 6, part 6, MCA. **(Prior to July 1, 2007, -** The fund may not exceed \$500,000). (MCA 7-14-2506)
- Fair commission capital improvement fund – The fair commission of any county may establish a capital improvement fund in accordance with the provisions of Title 7, chapter 6, part 6, MCA. (MCA 7-21-3413)

(Note: The trustees of a fire district may establish a capital improvement fund in accordance with the provisions of Title 7, chapter 6, part 6, MCA. (MCA 7-33-2111)

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

CAPITAL IMPROVEMENT PROGRAM - continued:

Suggested Audit Procedures:

- If the county has established a capital improvement fund, determine that the county commissioners have formally adopted a capital improvement program and that the fund is to be used for the replacement, improvement, and acquisition of property, facilities, or equipment that costs in excess of \$5,000 and that has a life expectancy of 5 years or more.
- If the county has a formally adopted a junk vehicle capital improvement program, determine that the capital improvement program fund was funded by any unexpended amount at the end of the fiscal year.
- If the county has established a road and bridge capital improvement fund, determine that the fund was established in accordance with the provisions of Title 7, chapter 6, part 6, MCA, and **prior to July 1, 2007**, that the fund did not exceed \$500,000.
- If the county has established a fair commission capital improvement fund, determine that the fund was established in accordance with the provisions of Title 7, chapter 6, part 6, MCA.

DISTRICT COURT:

19. Compliance Requirement:

- Subject to MCA 15-10-420, the governing body of each county may each year levy and collect a tax on the taxable property of the county for certain county district court costs, as noted below: (MCA 7-6-2511)
 - (a) costs of the office of the clerk of district court, which include but are not limited to salary and benefits for clerks of district court, deputy clerks of district court, and other employees of the office of the clerk of district court and expenses of the office;
 - (b) costs of providing office, courtroom, and other space for district court operations under MCA 3-1-125; and
 - (c) contracted costs of supplementing a district court budget, as provided in MCA 3-1-126, if incurred in the discretion of the county commissioners.

(Note: If remaining funds are available after paying the allowable costs describe above, the county commissioners, in their discretion, may use the remaining funds to pay the expenses of the office of county attorney.)

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

Suggested Audit Procedure:

- Review the budget document and compare actual expenditures to the approved budget appropriations and determine that tax collections were used for only the approved expenditures as described in MCA 7-6-2511.

OPEN SPACE LANDS:

20. Compliance Requirements:

- For the purposes of open space land, the county may:
 - (a) appropriate funds;
 - (b) subject to 15-10-420, levy taxes and assessments according to existing codes and statutes;
 - (c) issue and sell its general obligation bonds in the manner and within the limitations prescribed by the applicable laws of the state, subject to the provisions below; and
 - (d) exercise its powers under this chapter through a board or commission or through the office or officers that its governing body by resolution determines.
 (MCA 76-6-109(2))
- Property taxes levied to pay the principal and interest on general obligation bonds pursuant to Title 76, Chapter 6, MCA (Open Space) may not be levied against the following property:
 - (a) agricultural land eligible for valuation, assessment, and taxation as agricultural land under 15-7-202;
 - (b) forest land as defined in 15-44-102;
 - (c) all agricultural improvements on agricultural land referred to in subsection (a) above;
 - (d) all noncommercial improvements on forest land referred to in subsection (b) above; and
 - (e) agricultural implements and equipment described in 15-6-138(1)(a).
 (MCA 76-6-109(3))

Suggested Audit Procedures:

- Review the approved budget document and resolution and compare actual expenditures to the approved budget appropriations.
- Determine that property taxes levied for open space purposes or to pay the principal and interest on general obligation bonds were levied in accordance with the above provisions.

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

PROTEST TAX LEVY – REPAYMENT OF TAXES:

21. Compliance Requirement:

- If the protest action is decided adversely to a taxing jurisdiction and the amount retained in the protest fund is insufficient to refund the tax payments and costs to which the taxpayer is entitled and for which local government units are responsible the taxing jurisdiction may satisfy the requirements as follows:
 - (a) imposition of a property tax to be collected by a special tax protest refund levy;
 - (b) the general fund or any other funds legally available to the governing body; and
 - (c) proceeds from the sale of bonds. The bonds may be issued without being submitted to an election, and property taxes may be levied to amortize the bonds. (MCA 15-1-402(7))

Suggested Audit Procedure:

- If the protest action is decided adversely to a taxing jurisdiction, determine that it is satisfied as described above. (See Compliance Requirement No. 5 above for additional information on levy requirements and exemptions.)

INSURANCE TAX LEVIES:

22. Compliance Requirements:

- Comprehensive Insurance: Subject to MCA 15-10-420 (See Compliance Requirement No. 4) and the following steps specified in MCA 2-9-212(2), a local governmental entity may levy an annual property tax in the amount necessary to fund the premium for insurance, deductible reserve fund, and self-insurance reserve fund and to pay the principal and interest on bonds or notes issued pursuant to MCA 2-9-211(5). (MCA 2-9-212(1))
- Group Benefits: Subject to MCA 15-10-420 (See Compliance Requirement No. 6), a local government may levy a property tax in the amount necessary to fund the local government's contribution to group insurance. (**Note:** See also Permissive Medical Levy discussed below.) (MCA 2-18-703(3), 2-9-212(2), & 7-6-2527; funding provision of Section 2, Ch. 395, L. 1975)
- Permissive Medical Levy: If a local governmental entity made contributions for group benefits under MCA 2-18-703, on or before July 1, 2001, the increase in the local government's property tax levy for the government's premium contributions for group benefits under MCA 2-18-703, beyond the amount of contributions in effect at the beginning of the last fiscal year (referred to hereafter as the **permissive medical levy**) is not subject to the mill levy calculation limitation provided for in MCA 15-10-420. (MCA 2-9-212(2) (a))

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

INSURANCE TAX LEVIES - continued:

22. Compliance Requirements - continued:

(Note: If a local government did not contribute to a plan before this date, it appears that it is precluded from levying any permissive mills. If that is the case, the government must seek voter authority to levy additional mills outside of MCA 15-10-420 for employer contributions to group health insurance benefits.)

- Permissive medical levies must be calculated separately from the mill levies calculated under MCA 15-10-420, and are not subject to the inflation factor described in MCA 15-10-420(1)(a). (MCA 2-9-212(2)(a))
- A permissive medical levy in the previous year may not be included in the amount of property taxes that a governmental entity is authorized to levy for the purposes of determining the amount that the governmental entity may assess under the provisions of MCA 15-10-420(1)(a). (MCA 2-9-212(2)(c))
- When a permissive medical levy decreases or is no longer levied, the revenue may not be combined with the revenue determined in MCA 15-10-420(10)(a). (MCA 2-9-212(2)(c))
- Each year, prior to implementing a permissive medical levy and after notice is given as required by MCA 7-1-2121 or 7-1-4127, a public hearing must be held regarding any proposed increases. (MCA 2-9-212(2) (b))
- If tax-billing software is capable, the county treasurer shall list separately the cumulative mill levy or dollar amount on the tax notice sent to each taxpayer under MCA 15-16-101(2). The mill levy must be described as the permissive medical levy. (MCA 2-9-212(2) (a))

(Note: The Department of Administration has established Fund Number 2372 (Permissive Medical Levy) to address the uniqueness of the above law. Two things are very important to remember with this levy. (1) This permissive levy can only increase by the amount of increased insurance premium contributions the local government is going to pay. (2) If a local government entity increases its insurance premium contribution and does not also increase its permissive medical levy, the entity loses the ability to increase the levy for that increase in future years but not for future increases since this permissive levy is based on the levy of the previous year. In theory, any increase (decrease) in insurance premium contributions is equally off-set by a similar increase (decrease) in tax revenues, resulting in no change to fund balance.)

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COMPLIANCE REQUIREMENTS AND SUGGESTED AUDIT PROCEDURES:

INSURANCE TAX LEVIES - continued:

Suggested Audit Procedures:

- Determine the amount of premium contributions that were in effect on or before July 1, 2001, and calculate the number of mills required to fund the premium contributions. Verify that this amount was included in the amount used to determine the maximum number of mills allowed, per MCA 15-10-420.
- If premium contributions for the current year are greater than those in effect on or before July 1, 2001, verify that the additional mills were not included in the MCA 15-10-420 maximum mill calculation, but were instead included in a separate permissive levy.
- Verify that the current year's permissive medical levy was equal to the prior year's permissive medical levy plus an amount equal to any current-year increase (decrease) in premium contributions.
- Determine if the county's software is capable of listing mill levies separately. If so, verify that the premium contribution was shown on tax statements as the "permissive medical levy".

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COUNTY LEVIES/ SOURCES OF FUNDING		
Fund or Function	Levy Authorized or Source of Funding	Reference
<p>Note 1: A county may impose a property tax levy for any public or governmental purpose not specifically prohibited by law. (7-6-2527 lists 25 possible purposes for levies. Some, but not all, of these purposes are listed below.)</p> <p>Note 2: Any of the following levies are subject to the budget limitation of 15-10-420, unless specifically exempted. See Compliance Requirement No. 4, above.</p>		
General Fund	Mill levy subject to 15-10-420.	7-6-2501
All-Purpose	Mill levy subject to 15-10-420. (See Compliance Requirement No 10, relating to All-Purpose Mill levy)	7-6-2521 and 7-6-2524
(Note: All Other Funds or Functions Listed Alphabetically)		
Absentee Election Board Program	Mill levy limit subject to 15-10-420.	13-13-230
Adult Literacy	Mill levy limit subject to 15-10-420.	20-7-714
Air Pollution Control Program	Cost of program to be borne by the county. No specific levy authority. Permit fees may be collected per 75-2-220 and they may be eligible for state aid in an amount up to 30% of the locally funded annual operating cost per 75-2-302.	75-2-301
Airport or Joint Airport	Mill levy limit subject to 15-10-420. (Note: A reserve fund may also be established to resurface, overlay, or improve existing runways, taxiways, and ramps. May not exceed a competent engineering estimate of the costs, and must be spent within 10-years.)	67-10-402
Airport Authority	In counties participating in the creation of an airport authority, a levy subject to 15-10-420 may be imposed, as provided in 67-10-402, above. If the voters approve a resolution adopted by the governing body, an additional tax may be levied, limited to an amount sufficient to meet the deficiency for payment of revenue bond principal and interest, if such a deficiency exists.	67-11-302 67-11-303
Ambulance	Mill levy limit subject to 15-10-420. (Note: May contract for ambulance service.)	7-34-102
Bond Sinking and Interest Fund	Separate levy for each bond issue - Sufficient to pay principal and interest due and payable during the current fiscal year or within 90 days after the fiscal year. (See Compliance Requirement No. 15 above)	7-7-2265
Bridge Fund	Mill levy limit subject to 15-10-420.	7-14-2502

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COUNTY LEVIES/ SOURCES OF FUNDING		
Fund or Function	Levy Authorized or Source of Funding	Reference
Bridge Tax – Special Municipal	Mill levy limit subject to 15-10-420. (on county property; for construction and maintenance of bridge in any city or town)	7-14-2503
Business Improvement District	Fee assessment after public notice addressing the cost of the work plan and budget.	7-12-1132 - 1133
Capital Improvement Fund	The capital improvement fund may receive money from any source, including funds that have been allocated in any year but have not been expended or encumbered by the end of the fiscal year. (See Compliance Requirement No. 18)	7-6-616
Capital Improvement Fund (Fair)	Funding from unexpended money obtained by fair commission. Fund must not exceed at any time an estimate of the cost of the capital improvement program. (See Compliance Requirement No. 18)	7-21-3413
Capital Improvement Fund (Junk Vehicle)	DEQ policy basically adheres to the requirements of MCA 7-6-616 (see above). Any unexpended amount at the end of the fiscal year may be placed in the capital improvement fund. (See Compliance Requirement No. 18)	Policy statement from Montana Dept. of Environmental Quality
Capital Improvement Fund (Road and Bridge)	The fund must be established per 7-6-616 (see above) Prior to July 1, 2007 – The fund may not exceed \$500,000. (See Compliance Requirement No. 18)	7-14-2506
Capital Improvement Fund (Rural Fire District)	Same provisions as the County capital improvement fund at MCA 7-6-616 (see above)	7-33-2111
Cattle Protective District	Imposition of a fee in an amount not to exceed \$.50 per head.	81-6-204 81-6-209.
Cemetery	No Limit, but it appears the mill levy would be subject to 15-10-420.	7-35-4108 7-35-2201
Cemetery Districts	Mill levy limit subject to 15-10-420.	7-35-2122
Cemetery, Veterans' Effective 10/1/07	Mill levy limit subject to 15-10-420.	7-35-2205

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COUNTY LEVIES/ SOURCES OF FUNDING		
Fund or Function	Levy Authorized or Source of Funding	Reference
Comprehensive Insurance	As necessary, subject to the mill levy limitations of 15-10-420. (See Compliance Requirements No. 23) (For other insurance, see Group Insurance and Permissive Medical Levy, below)	2-9-212(1)
Conservancy Districts	An assessment of 2 Mills, plus 3 Mills to pay bonded debt	85-9-601
Consolidated County and City Government	Subject to 15-10-420, a consolidated local government may levy all taxes that counties, cities, and towns are authorized to levy. The governing body must pass an ordinance conforming to 15-10-420 to fix the annual tax levy. Taxes to be levied for the debt of the government are not affected by these limits.	7-3-1104 7-3-1310 7-3-1311
County Water and/or Sewer District	No limit on rates or charges. In lieu of rates and charges, the board of directors may levy special assessments by resolution to pay the capital costs of any improvement. If revenues are inadequate to pay the interest or principal of any bonded debt as it becomes due, (exclusive of revenue or special assessment bonded indebtedness incurred pursuant to 7-13-2333 or bonded indebtedness incurred to refund the revenue or special assessment bonded indebtedness without authorization at an election), or any other expenses or claims against the district, a tax or taxes must be levied until the bonded debt or other expenses or claims are fully paid.	7-13-2280 7-13-2302
Day-Care Centers and Homes (Licensed)	Mill levy limit subject to 15-10-420.	7-16-4114
Developmental Disabilities Facilities	Mill levy limit subject to 15-10-420. General fund appropriations may be used for this purpose also.	53-20-208
Disaster – (Emergency levies)	2 Mills levied on taxable valuation of the county outside the municipalities. (Must be passed by unanimous vote of county commissioners)	10-3-405
District Court Fund	Mill levy limit subject to 15-10-420. (See Compliance Requirement No. 19)	7-6-2511
Drainage District	Mill levy limit subject to 15-10-420.	85-8-601

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COUNTY LEVIES/ SOURCES OF FUNDING		
Fund or Function	Levy Authorized or Source of Funding	Reference
Economic Development	Mill levy limit subject to 15-10-420.	90-5-112
Electrical Generation Facility Impact Fees (See also Wind Generation Facility Impact Fees)	A county may assess an impact fee against an electrical energy generation facility that is exempt from taxation. The impact fee is distributed to the county and impacted school districts. If the facility is located within the jurisdictional areas of multiple local governments, the governments may enter into an interlocal agreement to determine how the impact fees should be distributed to the various impacted local governments and school districts. The county's portion of the fees should be deposited in an Electrical Generation Impact Fund (BARS Fund No. 2898). State law indicates that the fund is financially administered as a non-budgeted fund (but see Note at Compliance Requirement No. 12).	15-24-3005 through 15-24-3007
Extension	Mill levy limit subject to 15-10-420.	7-21-3203
Fair – County	Mill levy subject to 15-10-420. May also appropriate from the general fund. (Note: No portions of appropriation or tax levy from 7-21-3410 shall be expended for horseracing)	7-21-3410 7-21-3411
Fair – District	Mill levy limit subject to 15-10-420.	7-21-3433
Firefighters' disability income insurance fund (Volunteer) Effective 5/14/07	Voter approved, <i>not</i> subject to mill levy limitations as the money held in the account may not be considered as cash balance for the purpose of reducing mill levies.	7-6-621
Fire Service Area	Fee assessment	7-33-2404
Forest Fire Protection Assessments (Effective 6/1/07, term is changed to <u>Wildland Fire Protection Assessments</u>)	Prior to June 1, 2007 – Not more than \$30 per landowner in the forest fire protection district and not more than an additional \$.20 per acre per year for each acre in excess of 20 acres owned by each landowner in the protection district. Remitted to the State. Effective June 1, 2007 – Not more than \$45 per landowner in the wildland fire protection district and not more than an additional \$.25 per acre per year for each acre in excess of 20 acres owned by each landowner in the protection district. Remitted to the State.	76-13-201, 207 & 209

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COUNTY LEVIES/ SOURCES OF FUNDING		
Fund or Function	Levy Authorized or Source of Funding	Reference
Group Insurance	As necessary, subject to the mill levy limitations of 15-10-420. (See Compliance Requirements No. 23) (Note: See Permissive Medical Levy below – the levy for funding the increase in the property tax levy beyond the amount of contributions in effect at the beginning of the last fiscal year is not subject to the mill levy calculation limitation.)	2-18-703(3) 7-6-2527 2-9-212(2) Chapter 359, Section 2, Laws of Montana 1975 (Refers to 1-2-112) – “ a public purpose which may be financed by a levy”
Health – City-County Boards of Health	County share may be funded by one of the following two methods: 1. Appropriation from general fund. OR 2. Mill levy subject to 15-10-420.	50-2-108 50-2-111 7-6-2527
Health – County Boards of Health	May be funded by appropriations from general fund and a tax levy subject to 15-10-420.	50-2-108 50-2-109 7-6-2527
Health – District Boards of Health	General fund appropriation for each county in the district in proportion to the population in each county. A tax levy subject to 15-10-420 may be levied by a county if the general fund is not sufficient. 1 st and 2 nd class cities which elect to be included in the district contribute to the county in which they are located as specified in 50-2-111 (see City-County Boards of Health above).	50-2-108 50-2-112 7-6-2527
Health – Mental	Subject to 15-10-420, if the general fund is insufficient to meet the county’s proportionate share of the regional board’s budget.	53-21-1010
Health Care Facilities	Mill levy limit subject to 15-10-420. (If a hospital district is created under Title 7, Chapter 34, Part 21, MCA, the mill levy authorized by 7-6-2512 may not be imposed on property within that hospital district.)	7-6-2512
Health Care Facilities Bond	General tax levy for payment of bonds issued under 7-34-2411 if a deficiency exists. Limited to an amount sufficient to produce the amount of the deficiency.	7-34-2417 and 2418
Hospital – Public Hospital District	Mill levy limit subject to 15-10-420.	7-34-2133

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COUNTY LEVIES/ SOURCES OF FUNDING		
Fund or Function	Levy Authorized or Source of Funding	Reference
Insect Pest Control Program	Expenses are paid from general fund. Subject to MCA 15-10-420.	7-22-2306
Irrigation District	Tax or assessment to pay bonds and interest	85-7-2101
	All irrigable lands chargeable alike.	85-7-2103
Judgments	Special levy authorized by law, in an amount necessary to pay any unpaid portion of the judgment or settlement that was not paid by insurance or the general fund.	2-9-316
	(A tax levy may be levied in each of the next 3 years if the general fund money is insufficient to pay the judgment in the current fiscal year.)	7-6-4015
Juvenile Detention	Mill levy limit subject to 15-10-420.	7-6-502
Library Fund	Mill levy subject to 15-10-420.	22-1-304
	In addition, an additional tax levy if approved by the voters. (Note: A Board of County Commissioners may not modify an annual library budget adopted by the county library trustees, and may not refuse, within statutory millage limits, to levy some or all of the property taxes necessary to satisfy an annual budget adopted by the county library trustees. AGO #91, Vol. 41 and AGO #3, Vol. 48)	
Library – Depreciation Reserve	Funds which have been allocated to the library in any year but which have not been expended by the end of the year. Such unexpended library monies include but are not limited to county appropriations, federal funds, and public and private grants.	22-1-306
Library – Joint City-County	Subject to 15-10-420, the governing body of any county entering into a contract may levy a special tax as provided in 22-1-304 for the establishment and operation of a joint city-county library.	22-1-316
Library - Public Library District	Mill levy subject to 15-10-420.	22-1-708
	In addition, an additional tax levy if approved by the voters. <u>Library Depreciation Reserve Fund:</u> Funds which have been allocated to the library in any year but which have not been expended by the end of the year. Such unexpended library monies include but are not limited to county appropriations, federal funds, and public and private grants.	22-1-716
Lighting Maintenance District	Fee assessment to cover the cost of the maintenance and operating service.	7-12-2202

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COUNTY LEVIES/ SOURCES OF FUNDING		
Fund or Function	Levy Authorized or Source of Funding	Reference
Livestock Protective Committee	Fee in an amount not to exceed \$.50 per head on cattle Fee in an amount not to exceed \$.50 per head of sheep	81-6-104 81-6-101(5)
Local Government Study Commission	Prior to October 1, 2007 – Mill levy limit subject to 15-10-420. Effective October 1, 2007 – May levy mills in excess of all other mill levies authorized by law.	7-3-184
Local Option Vehicle Tax	Up to 0.7% of the value determined under 61-3-503 or a local flat fee, in addition to the fee imposed under 61-3-321(2) or 61-3-562 Local option tax is distributed as follows: 50% to county 50% to county and incorporated cities & towns within the county, apportioned on the basis of population. (Note: The distribution is based on the registration address of the owner of the motor vehicle.)	61-3-537 61-3-503
Mental Health Board (Regional)	Mill levy limit subject to 15-10-420, if general fund appropriation is insufficient to meet the approved budget.	53-21-1010
Metropolitan Sanitary and/or Storm Sewer District	Mill levy limit subject to 15-10-420.	7-13-144
Mosquito Control District	Mill levy limit subject to 15-10-420. OR impose a fee with voter approval. A countywide district may be financed by a tax or a fee, but not by both.	7-22-2432
Multijurisdictional Service District	Mill levy limit subject to 15-10-420.	7-11-1112
Museum	Mill levy limit subject to 15-10-420. (may provide grants or contribute to museums not owned by the county)	7-16-2205
Open Space Land	Mill levy limit subject to 15-10-420. Property taxes levied to pay the principal and interest on general obligation bonds may not be levied against the property described in 76-6-109(3). (See Compliance Requirement No. 20)	76-6-109(2)(b) 76-6-109(3)
Park – County Park Commission	No separate levy authorized. Funding provided by county general fund as well as specific sources specified in 7-16-2324 and 7-16-2328.	AGO #49, Vol. 40

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COUNTY LEVIES/ SOURCES OF FUNDING		
Fund or Function	Levy Authorized or Source of Funding	Reference
Park – County Park District	Maximum mill levy or fee approved by electorate at time of creation of district. May be changed later by another election. Any tax is subject to the mill levy limitations of 15-10-420.	7-16-2411 and 2431
Parks, Cultural Facilities, Civic Centers, Youth Centers, Recreation Centers and Complexes	The commissioners shall submit the question of imposing or the continued imposition of the property tax mill levy to the voters. If approved, the tax may be levied and the levy is then subject to the limitations of 15-10-402.	7-16-2102
Permissive Medical Levy (see also Group Insurance, above)	<u>If a local government made contributions for group benefits on or before July 1, 2001</u> , the increase in the property tax levy beyond the amount of contributions in effect at the beginning of the last fiscal year is not subject to the mill levy calculation limitation. (Note: If the government did not contribute to a plan before this date, it is precluded from levying any permissive mills and must seek voter authority to levy additional mills outside of 15-10-420 for employer contributions to group health insurance benefits.) (See Compliance Requirement No. 23)	2-9-212(2) 2-18-703
Planning – County Planning District	Mill levy limit subject to 15-10-420.	76-1-403
Planning – City-County Planning Commission	Subject to 15-10-420, the board of county commissioners may levy on the taxable value of all taxable property located within the planning district a tax for planning board purposes, under procedures set forth in Title 7, chapter 6, part 40.	76-1-404
Planning & Zoning Commission	Subject to 15-10-420, the finances necessary for the transaction of the planning and zoning commission's business and to pay the expenses of the employees and justified expenses of the commission's members must be paid from a levy on the taxable value of all taxable property within the district.	76-2-102
Port Authorities	Mill levy limit subject to 15-10-420. Property taxes levied to pay the principal and interest on general obligation bonds may be levied only after the issuance of the bonds has been submitted to the qualified electors and approved by a majority vote.	7-14-1132 and 67-10-402
Predator Control – Sheep and Cattle	Per capita license fee assessment in an amount determined by the county commissioners.	81-7-303 and 81-7-603

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COUNTY LEVIES/ SOURCES OF FUNDING		
Fund or Function	Levy Authorized or Source of Funding	Reference
Predatory Animal Control – County Bounty	The board of county commissioners shall impose a fee on all livestock in the county for the purpose of paying bounties on predatory animals killed. The fee can be assessed when owners of not less than 51% of the livestock in the county petition to the board of county commissioners to impose a fee upon the livestock of the county.	81-7-201
Public Employees' Retirement System	No Limit (as necessary if general fund insufficient); Mill levy limit subject to 15-10-420.	19-3-204
Public Facility Capital Improvements Impact Fee	Local governments may impose impact fees upon new development to fund all or a portion of the public facility capital improvements affected by the new development. Impact fees must be in compliance with the provisions of 7-6-1602, and may not include operation or maintenance costs or costs of correcting existing deficiencies.	7-6-1601 - 1604
Public Ferry	Mill levy limit subject to 15-10-420, if a county owns or operates a public ferry. – May be combined with revenues from taxes to support bridges under 7-14-2502.	7-14-2807
Public Safety	The public safety levy is subject to the provisions of 15-10-420. Monies received from the county public safety levy must be placed in a special account. (BARS Fund #2300)	7-6-2513
Purebred Livestock Show	The commissioners may expend from the general fund an amount for the purpose of conducting special purebred livestock shows and special purebred livestock sales within the county; or subject to the provisions of 15-10-420, they may levy a tax on the taxable property of the county, the proceeds of which are to be deposited to the general fund.	81-8-503 and 504
Rail Authority	Upon approval by the electorate, the board of county commissioners shall annually, fix and levy a tax in mills upon all property within the boundaries of the authority clearly sufficient to raise the amount certified by the authority.	7-14-1632
Recreational, educational, and other activities of elderly (Senior Citizens)	Mill levy limit subject to 15-10-420. (Note: May contract with or make payments to nonprofit corporations or associations engaged in aiding the activities.)	7-16-101(1)
Refuse Disposal Districts	Fee Assessment	7-13-231

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COUNTY LEVIES/ SOURCES OF FUNDING		
Fund or Function	Levy Authorized or Source of Funding	Reference
Resort Area Tax	Resort tax must be approved by electors. The rate of the tax must be established by the election petition or resolution, but may not exceed 3% of the retail value of all goods and services sold as provided in 7-6-1503.	7-6-1503 - 1509
Road Fund	Mill levy limit subject to 15-10-420.	7-14-2501
Road and Bridge Depreciation Reserve (Capital Improvement Fund)	Unexpended or unencumbered Road or Bridge fund moneys. (Prior to July 1, 2007 , the fund may not exceed \$500,000). (See Compliance Requirement #18)	7-14-2506
Rodent Control District	Mill levy limit subject to 15-10-420. . The levy only applies to the taxable value of the horticultural, farming, grazing, forest, and railroad lands within the district.	7-22-2222
Rural Fire Control	General fund. Mill levy limit subject to 15-10-420. Subject to 15-10-425, if levy approved by voters, the county governing body may levy a tax for the purpose of purchasing disability income insurance coverage for volunteer firefighters. (Effective May 14, 2007)	7-33-2209 7-33-2209 and 7-6-621
Rural Fire Districts	Mill levy limit subject to 15-10-420. Subject to 15-10-425, if levy approved by voters, the county governing body may levy a tax for the purpose of purchasing disability income insurance coverage for volunteer firefighters. (Effective May 14, 2007)	7-33-2109 AGO #84, Vol. 26 7-33-2209 and 7-6-621
Rural Special Improvement District Revolving Fund	A tax may not be levied if the balance in the revolving fund exceeds 5% of the principal of outstanding R.S.I.D. bonds and warrants secured by the revolving fund. If a tax is levied, it may not be in an amount that will increase the balance in the revolving fund above 5% of the then out-standing R.S.I.D. bonds and warrants secured by the revolving fund. Transfers may also be made from the general fund, which shall be considered a loan. To provide funds for the revolving fund, the county commissioners can include in the cost of improvements to be defrayed from the proceeds of the bonds or warrants (if secured by the revolving fund) an amount equal to 5% of the principal amount of the bonds or warrants to be issued.	7-12-2182
Search and Rescue	Subject to 15-10-420, a county may, after approval by a majority of the people voting on the question at an election held throughout the county, levy an annual tax on the taxable value of all taxable property within the county to support one or more search and rescue units.	7-32-235
COUNTY LEVIES/ SOURCES OF FUNDING		

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Fund or Function	Levy Authorized or Source of Funding	Reference
Sheriff's Retirement System	Subject to 15-10-420, a county may levy, and collect annually a tax on the taxable value of all taxable property within the county that is sufficient to raise the amount of revenue needed to meet the county's obligation.	19-7-404
Soil Conservation Districts	Regular levy of 1½ Mills plus special levy subject to 15-10-420 , plus voter approved administrative assessment. (Note: Regular and special assessments by conservation districts are subject to the property tax limitations in Title 15, Chapter 10, Part 4. (AGO #73, Vol. 42)	76-15-515, 516, and 531
Teacher's Retirement System	The county commissioners shall budget and pay for the employer's contribution in the manner provided by law for the adoption of a county budget and for payments under the budget.	19-20-605(6)
Television District	As Needed	7-13-2510(9)
Transportation – Senior Citizens and Persons with Disabilities	Mill levy limit subject to 15-10-420. (Note: May contract with public or private transportation providers.)	7-14-111
Urban Transportation District	Mill levy limit subject to 15-10-420.	7-14-232
Vertebrate Pest Management Program	A transfer from the county general fund to the county vertebrate pest management fund, and subject to 15-10-420, levy a tax on the taxable valuation of all agricultural, horticultural, grazing, and timber lands and their improvements (excludes land within a rodent control district if it is already taxed under 7-22-2222, for the control of rodents).	7-22-2512
Water Conservancy District	No limit on rates or charges.	85-9-407 85-9-406
Water District - County Water District	No Limit	7-13-2302
Weather Modification Authority	Mill levy limit subject to 15-10-420.	85-3-422
COUNTY LEVIES/ SOURCES OF FUNDING		

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Fund or Function	Levy Authorized or Source of Funding	Reference
Weed Control	General fund, or subject to 15-10-420, levying a tax of not less than 1.6 mills on the taxable value of all taxable property in the county or by contributing an equivalent amount from another source of not less than the amount received from all county sources in fiscal year 2000 or, for first-class counties, as defined in 7-1-2111, the greater of the amount received from all county sources in fiscal year 2000 or \$100,000.	7-22-2142
Wind Generation Facility Impact Fees (See also Electrical Generation Facility Impact Fees)	A county may assess an impact fee against a wind generation facility for the first 3 years after construction begins. The impact fee is distributed to the county and impacted school districts. If the facility is located within the jurisdictional areas of multiple local governments, the governments may enter into an interlocal agreement to determine how the impact fees should be distributed to the various impacted local governments and school districts. The County's portion of the fees should be deposited in an Electrical Generation Impact Fund (BARS Fund No. 2898). State law indicates that the fund is financially administered as a non-budgeted fund (but see Note at Compliance Requirement No. 12).	15-24-3004 through 15-24-3007

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DETERMINATION OF TAX REVENUE AND MILL LEVY LIMITATIONS UNDER MCA 15-10-420

The 2001 Legislature revised the laws governing local government collections by eliminating specific statutory mill levy restrictions and again revised the limit on property taxes. They also provided for a uniform election procedure to exceed the mill levy limits and provided for local government entitlements.

A key component of SB 184 of the 1999 legislature and HB 124 (now codified as MCA 15-10-420) relates to the ability of local governments to raise local levies to compensate for the revenue lost because of the tax relief measures but which is not to be reimbursed by the State. This has been commonly referred to as the "floating mill." The following worksheets are similar to ones used by many local governments to calculate revenue limitations and the maximum allowable mill levy, including the "floating mill." It is included in this Compliance Supplement to be used as an aid by auditors when testing compliance with budget and tax laws. Individual steps on the worksheet are referenced to a more detailed explanation on the page following the worksheet.

It is recommended that this worksheet be used to compute limitations and mill levies by individual fund, although it can be used in the aggregate for funds that have the same taxable value. If the aggregate method is used, local governments will then have to determine an allocation of tax revenue and the mill levy determined for each fund.

The worksheets on the following pages and the accompanying explanatory notes were designed to calculate the authorized mill levies under MCA 15-10-420, including floating mills, for the **years ended June 30, 2008 and 2009.**

A current version of this same worksheet is located on the Department of Administration's web site at:

<http://doaforms.mt.gov/doaforms.asp?Path=/doaforms/LocalGovernmentForms/AccountingSystemsProgram/02%20Budget%20Reports&base=/doaforms>

The worksheet is in Excel and has the formulas included. The form was designed so that you can enter only the numbers necessary. The tax revenue and mill levy limitations will be computed automatically by the formulas entered in the various cells.

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EXPLANATIONS:

Calculating Mill Levies – MCA 15-10-420 – (for fiscal year ended June 30, 2008)

- (1) Ad valorem tax revenue authorized to be assessed is determined by multiplying the previous year authorized levy by the previous year taxable value. This amount should be the highest tax authority carried forward under MCA 15-10-420. Voted levies (15-10-420(2)), judgment levies (2-9-316, 7-6-4015, 7-7-2202), emergency levies (10-3-405), protested tax levies (15-1-402), and levies imposed for health insurance premiums (2-9-212) are not to be included. Be sure to use the amount applicable to the prior year levy you were authorized to mill not what you actually milled unless it is the same. This will facilitate the carry forward provision of MCA 15-10-420(1)(b).
- (2) The inflation adjustment is calculated using the three previous years, taking one half of the 3 year average. This adjustment will be recalculated annually by the Department of Revenue.
- (3) Property taxes assessed for Class 1 and 2 property, (net and gross proceeds), is determined by multiplying the previous years mill levy times the previous years taxable value for net and gross proceeds. This deduction is required under MCA 15-10-420(6)
- (4) The amount for the prior fiscal year amounts received can be obtained from the prior fiscal year general ledger revenue account for personal property tax reimbursements (335210). The amount for current year anticipated revenue represents the amount of revenue estimated for the current year.
- (5) This amount is the net of items (1) through (4).
- (6) This amount is taken from line 2 on the Certified Taxable Valuation Information sheet supplied by the Department of Revenue. The number should be entered as the per mill value. (Taxable value moving the decimal three digits to the left)
- (6a) This amount is taken from the Certified Taxable Valuation Information sheet supplied by the Department of Revenue following line 4 in the far right column labeled "incremental value".
- (6b) This amount is the computed mill value after removal of the tax increment financing district mill incremental value.
- (6c) The per mill value of newly taxable property is taken from line 3 on the Certified Taxable Valuation Information sheet supplied by the Department of Revenue.
- (6d) This amount appears on line 4 of the Certified Taxable Valuation Information Sheet supplied by the Department of Revenue (county only) Represents the per mill value of the net and gross proceeds taxable value.
- (7) This amount is the net amount of per mill taxable value less newly taxable property as defined in MCA 15-10-420(3) and Class 1 and 2 property (net and gross proceeds) taxable value.
- (8) The floating mill is determined by dividing the adjusted taxable value per mill (Item 7) into the adjusted property tax revenue assessed (Item 5).
- (9) Determined by multiplying the mill levy (Item 8) by the current year taxable value (Item 6), reduced by the incremental value of the TIF (Item 6a) inclusive of newly taxable property and net/gross proceeds (Items 6c and 6d). This represents the maximum amount of taxes which can be levied.
- (10) Determined by multiplying the newly taxable property plus net/gross proceeds (Items 6c and 6d) by the calculated mill levy (Item 8).

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DETERMINATION OF TAX REVENUE AND MILL LEVY LIMITATIONS UNDER MCA 15-10-420

FUND or AGGREGATE OF ALL FUNDS

FYE JUNE 30, 2009

COUNTY/CITY/TOWN OF _____

NOTE: When entering a number to be subtracted, enter as a negative number. Where formulas exist, no entry is necessary

MAXIMUM PROPERTY TAXES AUTHORIZED: (Note that appropriate statutes are referenced)

EXPLANATION
REFERENCE

Ad valorem tax revenue authorized to be assessed prior year	<u>xxxx</u>	(1)
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Add: FISCAL YEAR 2009 INFLATION ADJUSTMENT @1.672% MCA 15-10-420(1a)(1c)) (A) [(1)*1.672%]	<u>xx2</u>	<u>xx2</u>	(2)
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Less: Property taxes authorized to be assessed in the prior year for Class 1 and 2 property (net and gross proceeds, county only) (MCA 15-10-420(6)) (enter as negative number) (L)	<u><xx3></u>	<u><xx3></u>	(3)
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Add: Personal Property Tax reimbursement received - prior fiscal year (MCA 15-10-420(7) (HB 20/SB 417 reimbursements))(A)	<u>xx4</u>		(4)
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Less: Personal Property Tax reimbursement anticipated - current year For FY 2009 and subsequent years this will always be zero.	<u>-0-</u>	<u>xx4+<xx4></u>	(4)
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Adjusted ad valorem tax revenue assessed [(1) + (4)]		<u>xxx</u>	(5)
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CURRENT YEAR LEVY COMPUTATION:

Taxable value per mill		<u>xxxx</u>	(6)
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Less: Per mill incremental value of tax increment financing district (TIF)	<u><xxa></u>		(6a)
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Adjusted taxable value (adjusted for removal of TIF per mill incremental district value)		<u>xxxx+<xx></u>	(6b)
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Less: Newly taxable property per mill value, (enter as negative number)(L)	<u><xxc></u>		(6c)
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Taxable value per mill of net and gross proceeds (county only) (enter as negative) (L)	<u><xxd></u>	<u><xxc>+<xxd></u>	(6d)
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Adjusted Taxable value per mill [sum (6b) + (6d)]		<u>xxxx</u>	(7)
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Authorized mill levy under MCA 15-10-420 (includes floating mills) [(5)/(7)]		<u>xx.xx</u>	(8)
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Adjusted taxable value per mill (from above)		<u>xxxx</u>	(7)
--	--	-------------	-----

Add: Newly taxable property per mill value	<u>xxc</u>		(6c)
--	------------	--	------

Taxable value per mill of net and gross proceeds (county only) (A)	<u>xxd</u>	<u>xxc+xxd</u>	(6d)
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Taxable value per mill (including newly taxable property but excluding TIF per mill incremental value)		<u>0</u>	(6b)
--	--	----------	------

Authorized mill levy under MCA 15-10-420 (includes floating mills)		<u>xx.xx</u>	(8)
--	--	--------------	-----

Current property tax revenue authorized limitation [(8)*(6b)]		<u>xxxx</u>	(9)
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RECAPITULATION:

Previous year adjusted property tax revenue assessed (5)		<u>xxxx</u>	(5)
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Amount attributable to newly taxable property and net/gross proceeds(A) [(8)*(6b)]		<u>xxxx</u>	(10)
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Current property tax revenue authorized limitation [(5)+(10)]		<u>xxxx</u>	(9)
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EXPLANATIONS:

Calculating Mill Levies – MCA 15-10-420 – (for fiscal year ended June 30, 2009)

- (1) Ad valorem tax revenue authorized to be assessed is determined by multiplying the previous year authorized levy by the previous year taxable value. This amount should be the highest tax authority carried forward under MCA 15-10-420. Voted levies (15-10-420(2)), judgment levies (2-9-316, 7-6-4015, 7-7-2202), emergency levies (10-3-405), protested tax levies (15-1-402), and levies imposed for health insurance premiums (2-9-212) are not to be included. Be sure to use the amount applicable to the prior year levy you were authorized to mill not what you actually milled unless it is the same. This will facilitate the carry forward provision of MCA 15-10-420(1)(b).
- (2) The inflation adjustment is calculated using the three previous years, taking one half of the 3 year average. This adjustment will be recalculated annually by the Department of Revenue.
- (3) Property taxes assessed for Class 1 and 2 property, (net and gross proceeds), is determined by multiplying the previous years mill levy times the previous years taxable value for net and gross proceeds. This deduction is required under MCA 15-10-420(6)
- (4) The amount for the prior fiscal year amounts received can be obtained from the prior fiscal year general ledger revenue account for personal property tax reimbursements (335210). The amount for current year will be zero because the reimbursement has been reduced to zero, effective FY 2009.
- (5) This amount is the net of items (1) through (4).
- (6) This amount is taken from line 2 on the Certified Taxable Valuation Information sheet supplied by the Department of Revenue. The number should be entered as the per mill value. (Taxable value moving the decimal three digits to the left)
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- (7) This amount is the net amount of per mill taxable value less newly taxable property as defined in MCA 15-10-420(3) and Class 1 and 2 property (net and gross proceeds) taxable value.
- (8) The floating mill is determined by dividing the adjusted taxable value per mill (Item 7) into the adjusted property tax revenue assessed (Item 5).
- (9) Determined by multiplying the mill levy (Item 8) by the current year taxable value (Item 6), reduced by the incremental value of the TIF (Item 6a) inclusive of newly taxable property and net/gross proceeds (Items 6c and 6d). This represents the maximum amount of taxes which can be levied.
- (10) Determined by multiplying the newly taxable property plus net/gross proceeds (Items 6c and 6d) by the calculated mill levy (Item 8).